United Nations S/2007/390

Security Council

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United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous relevant resolutions, including resolutions 661 (1990) of 6 August 1990, 687 (1991) of 3 April 1991, 699 (1991) of 17 June 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1051 (1996) of 27 March 1996, 1284 (1999) of 17 December 1999, 1441 (2002) of 8 November 2002, 1483 (2003) of 22 May 2003, 1540 (2004) of 28 April 2004 and 1546 (2004) of 8 June 2004,

Expressing gratitude to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) for their important and comprehensive contributions under the relevant resolutions, *noting* the accumulation of expertise, experience and maintenance of a roster of experts during UNMOVIC's mandate, and *encouraging* Member States to maintain similar expertise for the future,

Acknowledging that a democratically elected and constitutionally based Government of Iraq is now in place, *noting* the Government of Iraq's declaration of support for the international non-proliferation regime, and *welcoming* the concrete steps taken in this regard, including the commitment enshrined in the Permanent Constitution and the establishment of the National Monitoring Directorate with responsibility for import/export control,

Recalling Iraq's disarmament obligations under relevant resolutions, its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, its IAEA Safeguards Agreement, The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction and the Geneva Protocol, *noting* Iraq's commitment to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in nuclear, chemical and biological weapons and their means of delivery and related materials, in accordance with its legal authorities and legislation and consistent with international law, and *urging* its adherence to all applicable disarmament and non-proliferation treaties, notably the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, and an Additional Protocol to the IAEA Safeguards Agreement,

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Noting disarmament efforts regarding Iraq since 1991, and *further noting* the joint US-UK letter dated 28 June 2007 and the Government of Iraq letter to the Security Council dated 8 April 2007 annexed to this resolution,

Recognizing that the continued operations of UNMOVIC and the IAEA's Iraq Nuclear Verification Office (INVO) are no longer necessary to verify Iraqi compliance with its obligations under the relevant resolutions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to terminate immediately the mandates of UNMOVIC and the IAEA under the relevant resolutions;

2. *Reaffirms* Iraq's disarmament obligations under relevant resolutions, *acknowledges* Iraq's constitutional commitment to the non-proliferation, non-development, non-production and non-use of nuclear, chemical, and biological weapons and associated equipment, material, and technologies for use in the development, manufacture, production and use of such weapons, as well as delivery systems, and *urges* Iraq to continue to implement this commitment and to adhere to all applicable disarmament and non-proliferation treaties and related international agreements;

3. *Invites* the Government of Iraq to report to the Security Council within one year on progress made in adhering to all applicable disarmament and non-proliferation treaties and related international agreements, notably the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, an Additional Protocol to its Safeguards Agreement, and on progress made by the National Monitoring Directorate and the Government of Iraq with regard to dual-use controls and harmonizing Iraqi export legislation with international standards;

4. *Takes note* of the summary briefings provided by UNMOVIC/UNSCOM and IAEA on their respective activities in Iraq since 1991, and *expresses* appreciation for their dedicated work;

5. *Requests* the Secretary-General to take all necessary measures to provide for the appropriate disposition of UNMOVIC's archives and other property under arrangements ensuring, in particular, that sensitive proliferation information or information provided in confidence by Member States is kept under strict control, and *further requests* that the Secretary-General inform the Security Council within three months on steps taken in this regard;

6. *Requests* the Secretary-General to transfer to the Government of Iraq through the Development Fund for Iraq not later than three months from the date of this resolution, all remaining unencumbered funds in the account established pursuant to paragraph 8 (e) of resolution 986 (1995), after returning to Member States at their request contributions made by them pursuant to paragraph 4 of resolution 699 (1991);

7. *Decides* to remain actively seized of the matter.

Annex I

Letter from the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland and Secretary of State of the United States of America to the United Nations addressed to the President of the Security Council

The United States of America and the United Kingdom of Great Britain and Northern Ireland wish to inform the Security Council of the steps that have been taken with regard to ensuring Iraqi compliance with its disarmament obligations, as called for in Council resolution 1483 (2003).

Together with the Government of Iraq and other Member States, the United States and the United Kingdom, pursuant to the letter dated 8 May 2003 from their Permanent Representatives to the United Nations addressed to the President of the Security Council (S/2003/538), have been working since March 2003 with the objective of locating and securing, removing, disabling, rendering harmless, eliminating or destroying weapons of mass destruction, ballistic missiles and related delivery systems and programmes in Iraq developed under the regime of Saddam Hussein.

We wish to inform the Security Council that all appropriate steps have been taken to secure, remove, disable, render harmless, eliminate or destroy (a) all of Iraq's known weapons of mass destruction and ballistic missiles with a range of greater than 150 kilometres and (b) all known elements of Iraq's programmes established to research, develop, design, manufacture, produce, support, assemble and employ such weapons and delivery systems, subsystems and components thereof.

Furthermore, we wish to draw the attention of the Security Council to the conclusions of the report issued by the Special Advisor to the United States Director of Central Intelligence on Iraq's Weapons of Mass Destruction ("the Duelfer Report") following a review of Iraq's weapons of mass destruction programmes, undertaken by drawing upon information received from former Iraqi officials, other Iraqi citizens, suspected weapon sites and both technical and procurement-related documents. In the course of their investigation, Iraq Survey Group analysts visited suspected weapons-related sites and searched through documents. The report and its addenda are available from the following website: https://www.cia.gov/library/ reports/general-reports-1/iraq_wmd_2004/index.html.

The letter dated 24 April 2007 from the Minister for Foreign Affairs of Iraq to the President of the Security Council (S/2007/236, annex) outlines additional actions that Iraq has taken and other actions that it intends to take in the near future to demonstrate and affirm to the international community its belief that it is now in full compliance with its disarmament obligations under the relevant Council resolutions.

(*Signed*) Condoleezza **Rice**
Secretary of State
United States of America

Signed 27 June 2007

(*Signed*) Margaret **Beckett**
Secretary of State for
Foreign and Commonwealth Affairs
United Kingdom of Great Britain and Northern Ireland

Signed 22 June 2007

Annex II

Letter dated 8 April 2007 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

[Original: Arabic]

I have the honour to address the present letter to you, and through you to the other members of the Security Council, requesting, on behalf of the Government of Iraq, that the Council consider terminating the mandates of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the Iraq Action Team of the International Atomic Energy Agency (IAEA) established by the Security Council resolutions on the elimination and removal of former Iraqi weapons of mass destruction, as there are no longer any legal or technical grounds for continuing their mandate and we are certain that Iraq currently has none of the programmes or weapons in question. In this connection, please note the following:

1. Today Iraq has a democratically elected Government and a new Parliament in addition to a Constitution that has been approved by the Iraqis. Today it declares that it is joining the global democratic community in its support for the international non-proliferation regime.

2. Article 9 (e) of the Permanent Constitution of the Government of Iraq states that: "The Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production and non-utilization of nuclear, chemical and biological weapons, and shall prohibit associated equipment, materiel, technologies and communication systems for use in the development, manufacture, production and utilization of such weapons". This Constitution was approved by the Iraqi people in the national referendum held in 2005.

3. As Security Council members know, the Iraqi Government has cooperated fully with the Iraq Survey Group (ISG) in respect of the former regime's weapons programme.

4. Today the Iraqi Government affirms its full commitment to the relevant Security Council resolutions and, in that connection, reiterates the request that it made to the President of the Council in March 2005, as well as the letter from the Iraqi Prime Minister of 11 November 2006 calling for the termination of the mandates of UNMOVIC and the IAEA Iraq Action Team.

5. The Iraqi Government reiterates its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the safeguards agreement of the International Atomic Energy Agency, the Biological Weapons Convention and the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. The provisional Iraqi Government announced previously in July 2004 its commitment to all the agreements and conventions on the prevention of proliferation. The Iraqi technical authorities have elaborated a draft law on Iraq's accession to the Chemical Weapons Convention, which is currently before the Parliament — the country's legislative branch — with a view to its adoption and preparations are under way for

accession to the Model Additional Protocol of the International Atomic Energy Agency's safeguards regime.

6. With regard to coordination with IAEA on a code of conduct on the safety and security of radioactive sources in Iraq, Iraq has set up an agency responsible for identifying radioactive sources in Iraq and guaranteeing their security, namely, the Iraqi Radioactive Sources Regulatory Authority. Since the fall of the previous regime, IAEA has made four successful verification visits to the Tuwaitha site — in June 2003, August 2004, September 2005 and, most recently, in November 2006.

7. The Iraqi National Monitoring Directorate is overseeing the transfer of dual-use substances and is now making every effort to harmonize Iraqi export legislation with international standards. Iraq has submitted its national report in accordance with its obligations under Security Council resolution 1540 (2004).

8. The Iraqi Government has undertaken to guarantee the security of its borders by strengthening controls in cooperation with the multinational force.

The Government and people of my country hope that the Security Council will make a serious and objective assessment of the situation in Iraq — namely, the absence of weapons of mass destruction and related programmes — and take the appropriate decision to terminate the mandate of UNMOVIC and the IAEA Iraq Action Team and transfer the balance in the Iraq account opened by the United Nations to the Development Fund for Iraq, for the purposes of investment.

I should be grateful if you would have the text of the present letter circulated to the members of the Security Council as a document of the Security Council.

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs of Iraq
8 April 2007